

OFFIT KURMAN, P.A.

Daniel I. Goldberg
590 Madison Avenue, 6th Floor
New York, NY 10022
Attorneys for Plaintiffs
Joseph D'Agostino & Debra D'Agostino

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSEPH D'AGOSTINO & DEBRA
D'AGOSTINO

Plaintiffs,

-against-

BOROUGH OF TOTOWA, GAMMA
REALTY COMPANY & NJDC URBAN
RENEWAL LLC

Defendants.

Docket No.: 23-cv-4068

**REQUEST FOR CLERK'S
CERTIFICATE OF DEFAULT**

Pursuant to Fed. R. Civ. P. 55(a), Plaintiffs Joseph D'Agostino and Debra D'Agostino request a Clerk's Certificate of Default against Defendant Gamm Realty Company ("Gamma").

By the attached Declaration, Plaintiffs affirm that Defendant Gamma

1. Is not an infant, in the military or an incompetent person;
2. Was properly served and proof of services was filed with the Court (Dkt. #7); and
3. Has failed to answer, move or otherwise defend this action.

Dated: October 17, 2023

OFFIT KURMAN, P.A.



By: _____
Daniel I. Goldberg
590 Madison Avenue, 6th Floor
New York, NY 10022
347-589-8542
Attorneys for Plaintiffs

OFFIT KURMAN, P.A.

Daniel I. Goldberg

590 Madison Avenue, 6th Floor

New York, NY 10022

Attorneys for Plaintiffs

Joseph D'Agostino & Debra D'Agostino

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSEPH D'AGOSTINO & DEBRA
D'AGOSTINO

Plaintiffs,

-against-

BOROUGH OF TOTOWA, GAMMA
REALTY COMPANY & NJDC URBAN
RENEWAL LLC

Defendants.

Docket No.: 23-cv-4068

**DECLARATION IN SUPPORT
OF PLAINTIFFS' REQUEST
FOR CLERK'S
CERTIFICATE OF DEFAULT**

I, Daniel I. Goldberg, an attorney admitted to practice before this Court, hereby declare under penalty of perjury:

1. I am an attorney with the law firm Offit Kurman, P.A., attorneys for Plaintiffs Joseph D'Agostino and Debra D'Agostino ("Plaintiffs") in the above-captioned action.

2. I submit this Declaration in support of Plaintiffs' Request for a Clerk's Certificate of Default against Defendant Gamma Realty Company.

3. Plaintiffs commenced this action by way of Summons and Complaint on July 28, 2023. *See Doc. #s 1, 2 and 3.*

4. The Summons and Complaint and Civil Cover Sheet, were properly served on Defendant Gamma on August 22, 2023. An affidavit attesting to this service was filed on this Court's Docket. *See Doc. # 7.*

5. Specifically, pursuant to Rule 4(h), and Rule 4:4-4(a)(6), Plaintiffs' process server personally served the above referenced documents on Debra Barbour, the individual in charge at Defendant Gamma's registered agent for service of process.

6. More than twenty-one days have elapsed since service was effected and Defendant Gamma has not answered, moved, or otherwise responded to the Complaint.

7. Defendant Gamma has not appeared in this action, or requested or been granted any extension of time to respond to the Complaint.

9. Defendant Gamma is not an infant, incompetent, or in the military.

10. For these reasons, Plaintiffs respectfully request that the Clerk enter a default against Defendant Gamma Realty Company. A proposed Clerk's Certificate of Default is attached as Exhibit 1.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 27, 2023

OFFIT KURMAN, P.A.



By: _____
Daniel I. Goldberg
590 Madison Avenue, 6th Floor
New York, NY 10022
347-589-8542
Attorneys for Plaintiffs

OFFIT KURMAN, P.A.

Daniel I. Goldberg
590 Madison Avenue, 6th Floor
New York, NY 10022
Attorneys for Plaintiffs
Joseph D'Agostino & Debra D'Agostino

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSEPH D'AGOSTINO & DEBRA
D'AGOSTINO

Plaintiffs,

-against-

BOROUGH OF TOTOWA, GAMMA
REALTY COMPANY & NJDC URBAN
RENEWAL LLC

Defendants.

Docket No.: 23-cv-4068

**[PROPOSED] CLERK'S
CERTIFICATE OF DEFAULT**

I, Melissa E. Rhoads, Esq., Clerk of the United States District Court for the District of New Jersey, do hereby certify that this action was commenced on July 28, 2023, with the filing of a Summons and Complaint; a copy of the Summons and Complaint and Civil Cover Sheet was served on Defendant Gamma Realty Company ("Gamma") by personally serving the above referenced documents on Debra Barbour, the individual in charge at Defendant Gamma's registered agent for service of process on August 22, 2023. *See* Dkt. # 7.

I further certify that the Docket entries indicate that Defendant Gamma has not filed an answer or otherwise moved with respect to the Complaint herein. The default of Defendant Gamma is hereby entered.

Dated: October ___, 2023

MELISSA E. RHOADS, Esq. Clerk of the Court

By: _____
Deputy Clerk